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SPECIAL COMMITTEE ON THE CHARTER OF
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AMENDMENTS TO THE PROVISIONS OF THE MODEL RULES FOR CONCILIATION CONTAINED IN PARAGRAPH 107 OF THE REPORT OF THE SPECIAL COMMITTEE ON THE WORK OF ITS 1994 SESSION

Working paper submitted by Guatemala

Article 1, paragraph 1

Delete "may".

Article 2, paragraph 1

In the first sentence, replace "number of members" by "number and emoluments of the members".

Title of chapter III

Amend to read: "NUMBER AND APPOINTMENT OF CONCILIATORS"

Article 9

Change "may" to "shall". (In addition, in the interest of lengthening this article, which is excessively short, and also in order to conform to traditional wording, "own" could be inserted before the word "procedure".) Alternatively, article 9 could be deleted (in view of what article 11 (1) says about procedure).

Article 11, paragraph 3

In the first sentence, replace "in consultation with the parties concerned" by "in consultation with the parties".

Article 12

Replace "try to provide it" by "provide it to the greatest possible extent".

Article 13, paragraph 2

Amend to read: "The commission may accede to any request by a party that persons whose testimony that party considers necessary or useful be heard, or that experts be consulted or that local investigations be conducted."

Article 14, paragraph 3

Delete.

Article 15

In the first sentence, after "it", add "without the right to vote".

Article 16

In the first sentence, after "make", add "through the President".

Article 20, paragraph 1

In the first sentence, change "propose" to "make". In the second sentence, replace "To that end," by "Before deciding on the matter,".

Article 20, paragraph 2

At the end of the second sentence, change "proposed recommendations" to "recommendations made".

Article 20, paragraph 3

In the first sentence, replace "proposed" by "made".

Addition to Article 20

Add a new paragraph, numbered 4, reading as follows: "Should the commission decide not to make recommendations to the parties, its decision to that effect shall be recorded in a procès-verbal signed by the president and the secretary. A signed copy thereof shall be provided to each party. This shall conclude the proceedings."

Article 21

In the first sentence, replace "proposed recommendations" by "recommendations of the commission".

Article 25, paragraph 1

In the second sentence, replace "Its members" by "The parties, as well as the members of the commission". In the third line, after "maintain", add "strictly".

Article 25, paragraph 3 bis.

Delete.

Article 25, paragraph 4

Replace "one of these classified certified documents" by "any document or statement to which paragraph 1 above applies".

Article 27

The second sentence should be replaced by the following: "They shall, in particular, refrain from any measures which might have an adverse effect on the terms of settlement proposed by the commission, so long as those terms have not been explicitly rejected by either of the parties."